

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

LEONA BUCHANAN

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:06-CV-43-P-D

THOMAS EARL BUCHANAN, JR.

DEFENDANT

ORDER

This cause is before the Court on the plaintiffs' Motion to Remand [8]. The Court, having reviewed the motion, the response, the briefs of the parties, the authorities cited and being otherwise fully advised in the premises, finds as follows, to-wit:

Defendant removed this action from the Chancery Court of Oktibbeha County based on the statutory provisions of 28 U.S.C. §§ 1334 and 1452. While it is arguable that this Court has jurisdiction pursuant to the above-cited provisions, the Court finds that the nature of the case, the lack of any jurisdictional basis other than the defendant's bankruptcy, the likelihood that defendant's removal is merely an effort to engage in forum shopping and to further delay the administration of justice are all equitable factors which weigh heavily in favor of remand to state court in accordance with 28 U.S.C. § 1452(b).¹

IT IS, THEREFORE, ORDERED AND ADJUDGED that the plaintiff's Motion to Remand [8] is well-taken and should be, and hereby is, GRANTED. IT IS FURTHER ORDERED that this cause is hereby remanded to the Chancery Court of Oktibbeha County.

¹ "The court to which such claim or cause of action is removed may remand such claim or cause of action on any equitable ground." 28 U.S.C. § 1452(b).

SO ORDERED, this the 13th day of October, 2006.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE